

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion, of )	
the Federal Communications Commission's order )	Case No. U-18213
granting a waiver of certain Lifeline eligibility rules. )	
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At the December 9, 2016 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman  
Hon. Norman J. Saari, Commissioner  
Hon. Rachael A. Eubanks, Commissioner

**ORDER**

On April 27, 2016, the Federal Communications Commission (FCC) released a Third Report and Order, Further Report and Order, and Order on Reconsideration in WC Docket No. 11-42 (2016 Lifeline Modernization Order),<sup>1</sup> that modernized and reformed the Lifeline Program to include broadband service. On October 3, 2016, the United States Telecom Association (USTelecom) filed a petition with the FCC for a limited waiver of the amended Lifeline eligibility rules in sections 54.400(j) and 54.409(a) of the FCC's rules, which were adopted in the 2016 Lifeline Modernization Order. The FCC issued a Public Notice on October 6, 2016, seeking comment regarding USTelecom's petition.

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<sup>1</sup> In the matter of Lifeline and Link Up Reform and Modernization (WC Docket No. 11-42), Telecommunications Carriers Eligible for Universal Service Support (WC Docket No. 09-197), Connect America Fund (WC Docket No. 10-90), Third Report and Order, Further Report and Order, and Order on Reconsideration, Order No. FCC 16-38, *rel'd* April 27, 2016 (2016 Lifeline Modernization Order).

On October 21, 2016, the Commission submitted comments<sup>2</sup> to the FCC supporting USTelecom's petition. This was in addition to a letter<sup>3</sup> sent to the FCC on August 23, 2016, supporting an earlier waiver request filed by USTelecom. The Commission highlighted its concerns about the impact of the eligibility rules on the Michigan Lifeline Eligibility Database, the Michigan Telecommunications Act, and Commission orders.

On December 1, 2016, the FCC issued an order<sup>4</sup> granting a temporary waiver of the effective date of portions of the 2016 Lifeline Modernization Order's amendments to sections 54.400(j) and 54.409(a) of the FCC's rules for Michigan, to the "extent that providers in those states may continue to enroll customers who qualify for Lifeline through programs that were removed from sections 54.400(j) and 54.409(a) in the 2016 Lifeline Modernization Order." In the Matter of Lifeline and Link Up Reform and Modernization (WC Docket No. 11-42), *rel'd* December 1, 2016, p. 2, ¶ 2. However, the FCC declined to grant a temporary waiver of the inclusion of the Veterans and Survivors Pension Benefit Program. The FCC has granted a waiver of the remaining provisions of those sections to Michigan until December 31, 2017, or until Michigan has aligned its eligibility criteria with the FCC's Lifeline eligibility rules and updated its eligibility databases accordingly, whichever date is sooner.

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<sup>2</sup> October 21, 2016 USTelecom Comments:  
<https://ecfsapi.fcc.gov/file/10212393922653/Comments%2010-21-16.pdf>

<sup>3</sup> August 23, 2016 letter to the FCC:  
[https://ecfsapi.fcc.gov/file/108241102121509/MPSC%20Ltr%20to%20FCC%20\(WC%2011-42%20WC%2009-197%20WC%2010-90\)%208-23-2016.pdf](https://ecfsapi.fcc.gov/file/108241102121509/MPSC%20Ltr%20to%20FCC%20(WC%2011-42%20WC%2009-197%20WC%2010-90)%208-23-2016.pdf)

<sup>4</sup> FCC's December 1, 2016 Order: <https://ecfsapi.fcc.gov/file/120101802392/DA-16-1324A1.pdf>

THEREFORE, IT IS ORDERED that:

A. All Michigan designated eligible telecommunications carriers shall continue to use the existing Michigan Lifeline Eligibility Database until December 31, 2017, or until Michigan has aligned its eligibility criteria with the Federal Communications Commission's Lifeline eligibility rules and updated its eligibility database accordingly, whichever is sooner.

B. In order to be eligible for federal Lifeline reimbursement, all Michigan designated eligible telecommunications carriers shall henceforth include membership in the Veterans and Survivors Pension Benefit Program as an eligible criteria for potential Lifeline customers.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12). To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov) and to the Michigan Department of the Attorney General - Public Service Division at [pungpl@michigan.gov](mailto:pungpl@michigan.gov). In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

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Sally A. Talberg, Chairman

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Norman J. Saari, Commissioner

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Rachael A. Eubanks, Commissioner

By its action of December 9, 2016.

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Kavita Kale, Executive Secretary